

HALSEY CITY COUNCIL MEETING

Central Linn Elementary School
280 West 2nd Street – Library
Halsey, OR 97348
March 10, 2009
7:00 P.M.

The City Council meeting was called to order at 7:04 p.m.

The City Administrator took Roll Call.

Present: Mayor Marjean Cline, Council President Wade Doerfler, Councilor Eric Harless, Councilor Joan Mercier, Councilor Cynthia Choat, Councilor Eldon Albertson, and Councilor Kathy Parker.

Also in attendance were Sargeant Lawler, Don Ware from The Times, Buzz Steele, Colleen Steele, David B. Harris, Melissa Dieckhoff, Randall Dieckhoff, LeRoy Beagley, Susan Dieckhoff, and Edward J. Evenson.

Approval of Minutes

Council President Doerfler made a motion to accept the minutes from the meeting held on February 10, 2009. Councilor Choat 2nd and the motion carried unanimously.

Delegations

Mayor Cline noted Susan Swinderman, Safety Coordinator for the Central Linn School District, was on the agenda however Councilor Choat commented she was not in the audience and offered to call to see if she was on her way. Mayor Cline agreed to have Councilor Choat attempt to contact Swinderman while moving onto the next person on the agenda **Julie Shoemaker** from Spay Inc. Shoemaker introduced herself and provided a summary of cat rescues in Halsey. Mayor Cline asked if she knew how many cats had been rescued over the past year however Shoemaker responded she did not have that information available but could provide it at a later date. Shoemaker commented that each cat costs \$125.00 from intake to adoption which includes \$40.00 for fixing the animal as well as housing, cleaning, medicine, and transportation. Shoemaker stated there are costs involved in making a community a nice place to live and from January to June of last year they prevented 420 kittens from being born. Shoemaker noted they follow up on mother cats that are fixed, noting that cats can be fixed as young as 5 months old. Shoemaker then found information stating that 11,500 cats were cared for in 2008 with 138 of them being in Halsey. Shoemaker commented that some of the expense is paid for by owners, some from grants, and approximately \$4500.00 additional was needed in 2008 in order to meet expenses. Shoemaker noted that it is anticipated a similar amount will have to be raised for 2009. Shoemaker stated this program keeps the community healthy and helps in saving the lives of many animals. Mayor Cline commented she has seen more cats around her house recently and Councilor Choat stated she had rescued one from starving not long ago. Mayor Cline noted she spent \$500.00 of her own money last year in helping stray cats around town. Council President Doerfler commented that he appreciated what Shoemaker and her organization do and asked if any dogs are treated. Shoemaker responded there were no dogs cared for in 2008 or recently. Councilor Choat mentioned one home in the area that has a lot of cats and asked if anything can be done about that situation. Shoemaker stated that neighbors can trap animals in order to help them. Councilor Choat asked if the Sheriff's Department could be contacted however Sargeant Lawler responded cats are a bit different than dogs since they can find food for themselves. Shoemaker offered to check into the situation and Councilor Choat stated she would be happy to provide the information after the meeting. Councilor Mercier asked if there is a fee for adopting the animals with Shoemaker responding they take anything they can get for adult cats and normally there is a \$50.00 charge for kittens but they are willing to work something out regarding the financial impact to those wanting to provide homes to

these animals. Mayor Cline asked if Shoemaker was still working with the spay and neuter clinic however Shoemaker responded they no longer work with them and prefer to work with local vets. A brief discussion ensued with the suggestion that a possible contribution for this program be discussed during the budget process. There were no further questions.

Mayor Cline acknowledged **Sargeant Lawler** in attendance and asked him to comment on any incidents of particular interest regarding law enforcement issues in the City. Sargeant Lawler reported the number of incidents had increased some over the past month. Council President Doerfler asked if there had been any additional information regarding the attempted kidnapping of the little girl awhile back. Sargeant Lawler responded the incident is still under investigation. Council President Doerfler asked if the Department believed this to be a one incident “thing” with Sargeant Lawler responding affirmatively since the person did not appear to be known in the immediate area. Council President Doerfler commented he appreciated their presence in town with Mayor Cline acknowledging the same. The City Administrator commented that a citizen had expressed a concern for some cones on C Street that the school has apparently been placing there when school is being let out in the afternoon. The City Administrator was directing the concern to Sargeant Lawler but asked if Councilor Choat knew anything about the cones since she is a bus driver for the School District. Councilor Choat commented that concerns have been raised because kids “burst” out of the school in front of the buses and it is difficult for the bus drivers to see them. Councilor Choat stated that the cones are being used as a means to determine how best to handle the safety concerns and were temporary. Councilor Choat agreed to find out what “temporary” meant and get back to the City Administrator with that information. Councilor Choat noted that parents were notified by letter regarding the situation and that Superintendent Curtis and Safety Coordinator Swinderman were attempting to resolve child safety concerns. Councilor Mercier asked if anyone from the school is in the area while the buses are being loaded with Councilor Choat responding only the kindergarten classes are lead out to the buses. There were no other questions.

Agenda Adjustment

The City Administrator requested Mayor Cline recognize **LeRoy Beagley** in the audience as he had contacted City Hall prior to 4:00 p.m., along with the **Melissa and Randy Dieckhoff**, and asked to address the Council. Mayor Cline asked Beagley to state his name and address which he gave as 93520 Hwy 99 S, Junction City, OR. Beagley referenced the letter addressed to him regarding the possible violation of Nuisance Ordinance 2008-382 asking whether the occupant or the landowner is responsible for addressing the concern. Mayor Cline stated the definition reads “an agent, occupant, lessee, contract purchaser or other person having possession or control of the property” therefore either one or both parties could ultimately be responsible for resolving any violations of the Ordinance. Councilor Choat commented that she is a property owner but thought the tenant should be the one resolving any issues as they reside on the property. Beagley responded that he should not be the one responsible as he is the landlord and then commented that there has been stagnant water in a ditch for over 10 years and the City has never taken responsibility for improving that situation. Beagley then referenced Section 22 regarding dangerous buildings commenting that the “white elephant” north of town falls under that category. Beagley noted graffiti was painted over on the south end of the building. Beagley then commented that he did not see how the Ordinance could be enforced because if he is the owner of a piece of property someone may not like the way it looks but he has a right to do with it what he wants. Mayor Cline stated the Community Center/City Hall building is by no means a dangerous building and therefore does not fall under Section 22 and the City has had the City Attorney review the Ordinance to which he has stated it is indeed enforceable. Beagley firmly stated that the person responsible for any violation should be the one to take care of it. Melissa Dieckhoff, residing at 430 West E Street, Halsey, OR property owned by Beagley, asked how a vehicle was considered inoperable by the City. Dieckhoff stated she had heard no explanation or basis for that decision. Mayor Cline responded that the City Administrator had driven through town and noted some properties in possible violation of the Ordinance and later in the meeting the City Council would determine if any of the properties violated the Nuisance Ordinance. Council President Doerfler commented it is not the

intent of the Council to treat anyone unfairly and he appreciated those in attendance willing to discuss the issues and concerns. Council President Doerfler expressed a concern regarding potential health hazards or hazards to children, referencing an industrial property on West 1st Street where kids could potentially get in and out of vehicles where they could be trapped inside or possibly injured. Council President Doerfler commented the governing body is willing to work with the citizens regarding the potential concerns. Melissa Dieckhoff stated the letter was very general and it would help to explain which vehicle appeared to be inoperable. Mayor Cline noted there were 22 letters sent out to the most visible properties initially and they were general letters stating there was a possible violation of the Ordinance. Mayor Cline asked Dieckhoff if they had moved the vehicle to which she responded they had not. Beagley asked why they were simply not asked if the vehicle was operable. Mayor Cline responded the City needs to communicate through written communication and again reiterated they were typical letters sent out by cities stating there may be a violation. Mayor Cline commented the City would like to work with the citizens and suggested that if Dieckhoff's had moved the vehicle or turned it around it would have been apparent the vehicle was operable. Beagley then again brought up the cleaning of the ditches that was promised over three years ago with Council President Doerfler responding if it was the City's responsibility they would address the issue. **Randy Dieckhoff** commented that the City had attempted to clean out the ditches a few years ago and had used its fire truck to clean out culverts but he had learned from a City employee that the vehicle could no longer be used and therefore the culvert near their residence had never been cleaned. Mayor Cline, diverting the subject back to the Ordinance, commented several properties were addressed in these first initial letters and the issue was triggered by a survey mailed out to citizens where more than half responded they were concerned about the overall appearance of the town. Beagley stated he has been a taxpayer in Halsey for over 20 years and asked who is paying for this process while the Council and City staff is learning to resolve these concerns. Councilor Choat responded the Council represents the community and that they are not lawyers but all are learning how best to work with the town to make it a better place for everyone to live. Councilor Choat commented they are there to listen to what the citizens had to say and the hope was not to create an adversarial situation. As far as the issue regarding ditches, Councilor Choat commented the ditches do not drain well in her area. Mayor Cline commented the town is very flat and drainage has always been a large issue in this town. Beagley then brought up the issue that City Hall had provided expansion tanks for every citizen in town and he has asked for one for several years and never received one. Melissa Dieckhoff commented they had been in at City Hall to get one and were directed to public works but no one was there to give them one. Beagley commented the City was to install the tanks however discussion ensued that they were initially purchased as part of the water project and were provided by the City but would not be installed by the City because they would be located on private property and that a licensed plumber could be hired for this purpose. Mayor Cline diverted the conversation back to the Nuisance Ordinance by stating that back in August, 2008 several meetings were held, during the day as well as the evening, in an attempt to get citizens involved in the revision of the Ordinance. Mayor Cline stated that the Ordinance was read once at two separate meetings in October, 2008 and November, 2008 before it was adopted. Mayor Cline commented that two individuals attended last month's meeting regarding the Ordinance and the subject was addressed in a calm and polite manner. Mayor Cline confirmed the statement by Councilor Choat that the intent of the Ordinance is to make the City of Halsey a better place for everyone to live. Councilor Choat commented that during the revision several other city and county ordinances were reviewed as part of the process. Mayor Cline stated that parts of the Linn County and Marion County ordinances were incorporated into the City's Ordinance. Mayor Cline stated that any vehicle determined it was being renovated simply requires receipts demonstrating that progress is being made with Councilor Albertson adding that one person from the February 10, 2009 meeting would be doing just that as determined by the Ordinance. A discussion ensued between Councilor Albertson and Beagley regarding the need to collect deposits from tenants for these types of issues however Beagley stated, as a landlord, the purpose for any kind of deposit must be identified. **David Harris**, 1201 W. 3rd Street, Halsey, OR stated he had received a letter from the City regarding a possible inoperable vehicle located near a fence on his property and he moved it under a carport area

on the other side of his property. Harris stated the vehicle has all its tires and no missing parts. Harris then pointed out a vehicle the Mayor owns that has not moved with Mayor Cline responding the vehicle is in the garage and does move. Harris took offense to the “threatening” letter however the Mayor responded that it is a standard type of letter issued by cities. Harris did not feel that the burden of proof was on him to prove that a vehicle is running and took exception to the fact that he received two letters when he moved the vehicle in question within two days of receiving the first letter. Mayor Cline explained the process is for the City employees to issue letters to properties in possible violation and it is then up to the City Council to determine if a violation exists. Harris asked why it was his responsibility to show that he is restoring a vehicle with Mayor Cline responding the intent is to provide an opportunity for the residents to work with the City. Harris asked what happens if he runs out of money to work on a vehicle with the Mayor responding he would just need to come to the City and explain his circumstances. Harris expressed a concern that he is aware of at least three properties that did not receive letters. Mayor Cline stated that City staff determined potential properties in violation, and those again with the most visibility initially, and various properties were issued letters in this first initial review of possible violations. Councilor Choat stated she appreciated the concerns however Harris questioned why he had to come to City Hall to inform them of work he is doing on his vehicles. Randy Dieckhoff expressed a concern that they were used as examples. Beagley questioned how it is determined that a vehicle runs or doesn’t by a picture. Mayor Cline stated that with the initial letters sent out some individuals have improved their properties and some have not. Harris noted they do not live in a gated community and wanted to know why they were “threatened”. Councilor Choat responded it certainly is an official letter from the City and could make anyone nervous however it was not meant to be threatening. Councilor Choat stated that listening to citizen complaints helps the process and they appreciate all of their concerns. Councilor Choat added as each of them come forward they will listen, adding that Council is not their enemy. Council President Doerfler offered to personally come to the Harris property but Harris said “no thank you”. Randy Leopard stated a lot of people were offended by the letters that were sent out.

Edward Evenson, 608 West 1st Street, Halsey, OR handed a letter to Mayor Cline asking her to review it and the envelope that it was mailed in. Evenson stated the letter was sent to Tyler James and that he is actually the property owner and did not get a letter himself until just a few days ago. Evenson explained that a freightliner truck on the property in question is operable however the battery is dead from not being run for awhile. Evenson noted there is a Camero on the property that does not run but is probably worth somewhere between \$6,000.00 and \$12,000.00. Evenson stated the Chevy pickup is leaving in a week or so and as far as the junk on his property he paid over \$6,000.00 for the steel which will be going inside the shop. Council President Doerfler asked if some of the vehicles and forklift could be parked inside the building on the property. Evenson responded that he has made a deal with C.J. Stoakes who will be taking the forklift as it just needs a battery and a switch. Council President Doerfler asked if the vehicles locked that were on the property expressing a concern they were a danger to children. Evenson commented that the corporation that owns the adjoining property is in the process of working with him to purchase his property. Evenson stated the company is from Jefferson and intends to load grain out of that facility. Council President Doerfler indicated the Council will work with him to get the issues resolved. Evenson added that one of the recreational vehicles belongs to Buzz Steele and Council would need to address him about when it would be moved. Mayor Cline asked if the boat was his that was on the property with Evenson responding everything that as purchased was bought with the intention that it would go inside the shop building. Evenson indicated he would sell the property if the deal worked out. Evenson added that the corporation intends to tear down the tall grain tower. A brief discussion ensued.

Buzz Steele stated he is a retired auctioneer and is working to clean up his property. Steele indicated he has moved items from his place on West 1st Street as that property is for sale and has brought them to his residence and is sorting through those items. Steele noted that he will be getting rid of many of the items on clean-up day. Council President Doerfler asked if he needed assistance bringing items to the street however Steele responded he will be able to get them there. Steele did note that he had some concern regarding the terminology in the Ordinance regarding junk, indicating it was very vague and

questioned the wording “to serve some useful purpose in the future”. Steele added that he has concerns about Section 32 regarding junk and debris stating it appears that if junk were lined up neat and orderly it would not be considered junk. Mayor Cline acknowledged the wording could be a problem and appreciated his comments. A brief discussion ensued.

Harris commented that he would like Council to think about some of the definitions. Harris then added that the burn pile at the lagoon is illegal because there is dimensional lumber and plywood, 2 x 4’s, and industrial debris at this location and the City could be cited. There were no questions.

Council President Doerfler requested that all other items on the agenda be postponed considering the hour of the meeting and Mayor Cline noted there was one item requiring a motion by Council which should be addressed.

New Business

Mayor Cline moved the item one under new business regarding the Linn County waiver of building-related permits. Mayor Cline stated that she had been online and saw an article indicating that Linn County would be waiving building permits for a period of time. The City Administrator commented that the Linn County Building Department had called her explaining the approval by the Commissioners of the waiver of building-related permits. Mayor Cline noted the documentation states that building permit fees will be waived from March 4, 2009 through April 30, 2009. Mayor Cline stated the waiver requires approval of the Council. The City Administrator stated the County is being reimbursed with economic development dollars therefore the County and the City will still receive revenue from the permits. The City Administrator noted it is the applicant that will benefit from the waiver. Council President Doerfler made a motion to approve Resolution 2009-103 for Linn County regarding the waiving of permits reviewed and issued by the Linn County Planning and Building Department. Councilor Parker 2nd the motion. Councilor Albertson stated that projects over \$5000.00 are excluded from the waiver, however Mayor Cline noted the \$5000.00 maximum is in regard to permits fees and not the amount of the project. With no other discussion the motion carried unanimously.

Old Business

Mayor Cline directed the Council to review each of the properties in question as presented in the packets and make a determination as to whether or not they should be declared a nuisance. The City Administrator passed around photos of all properties in question taken earlier in the day in order for the Council to review the progress, or lack of, on each of them.

1. **490 W. E Street.** Council President Doerfler appreciated the feedback from the tenants of this property noting the governing body has learned some things from their input. It was determined there was no violation of the Ordinance per the consensus of the Council.
2. **1127 W. 2nd Street.** Councilor Parker commented it is apparent that the property is being worked on and as long as progress continues it would appear there is no violation at this time. Mayor Cline stated that she has noticed work being done as well. Steele commented they are working to put things out for clean-up day and are taking some items to Woodburn. The consensus of the Council was to monitor the progress over the next 30 days. The City Administrator asked about the possible removal of some of the vehicles, noting they are on the ODOT right-of-way, with Steele responding he is attempting to sell most of them. The City Administrator stated she appreciated him addressing this concern as City Hall has had contact from citizens regarding this issue.
3. **1210 W 3rd Street.** The City Administrator commented that pictures were not taken of this property until a few days after the initial letter and there were several other vehicles in question at that time. The City Administrator acknowledged that the property owner had taken strides to relocate some of those vehicles. Council President

Doerfler commented that the vehicles are concealed and toward the back of the property. Councilor Mercier stated that the property is not unsightly and progress had been made. There is no violation of the Ordinance per the consensus of the Council.

4. **608 W. 1st Street.** The consensus of the Council is the property owner sufficiently explained the progress being made regarding the possible violation of the Ordinance and no further action will be taken at this time.
5. **585 E. 2nd Street.** The City Administrator commented the property owner had most recently contacted City Hall on March 9, 2009 stating they had placed a tarp over one of the vehicles, would be moving one or two of the other vehicles, and are working to remove the vehicle parts in the driveway. Councilor Choat questioned whether covering a vehicle with a tarp satisfied the requirements of the Ordinance. Council President Doerfler offered to personally contact the property owner. Mayor Cline expressed a concern regarding this approach as the Council is the means of appeal should any issue arise, although she noted this is a small town and that should be considered as well. The City Administrator told the Council that in years past a similar issue involving this property owner came before the Council and it was a very unpleasant situation. The City Administrator agreed with Mayor Cline regarding the appeal process, however she felt some credit should be given to the property owners as they have contacted the City a couple of times regarding this possible violation and have been very pleasant and express a willingness to rectify the situation. After a brief discussion the consensus of the Council was to review the progress of this property in 30 days.
6. **181 E. C Street.** The City Administrator provided a photo as of earlier that day showing that one car in the front yard had been removed, however one still remained. Another photo showed what appeared to be the fifth wheel parked on the City right-of-way, now parked in the driveway with debris in the yard. The City Administrator commented the fifth wheel had been moved out of the area or out of sight but had just recently been seen in the yard with the debris. The City Administrator commented a separate letter would have to be issued for this possible “new” violation. Mayor Cline suggested the property be reviewed again in 30 days which allows time for the April 4th clean-up day to take place which could alleviate some of the concern. The consensus of the Council is they were in agreement with the recommendation.
7. **291 W. H Street.** The City Administrator reported that no contact has been made with City Hall regarding this property. Council President Doerfler expressed a concern that this property is a health hazard especially in regard to the home which is potentially a dangerous building as he has seen kids come in and out of the house. Council President Doerfler commented that he has spoken to the owner’s sister but the indication is that the owner does not care anything about the residence or the property. A brief discussion ensued that the property is beyond repair and the consensus of the Council was to take the next step in enforcing this Ordinance.
8. **601 W. 2nd Street.** The City Administrator reported that the wife of the property owner had contacted City Hall and was apparently unhappy about receiving a letter from the City. The City Administrator noted that the vehicles have not moved since the time of the initial letter. Councilor Albertson stated he has seen them move the vehicles every six months to a year. Council President Doerfler commented that they had material out for pickup at the last clean up day. Councilor Parker recommended proceeding to the next level on this property and the consensus of the Council was they were in agreement.

The City Administrator discussed a property located at 650 W. 3rd Street where the property owner says two vehicles in question run which appeared to City staff are inoperable. The City Administrator requested direction from the Council regarding the fact that a citizen states the vehicles run yet there is no evidence providing proof of the statement. Councilor Mercier suggested it was a potential attractive nuisance for children. Council President Doerfler agreed and considered them a hazard. Councilor

Albertson commented the vehicles do not appear to have any missing parts. Council President Doerfler suggested the City Administrator contact Sargeant Lawler and ask him if those types of vehicles create any kind of hazard to children where they could be injured or perhaps suffocate. Council was in agreement with this suggestion.

It was not until the end of this discussion that Melissa Dieckhoff stated the vehicle in question by the City regarding the possible violation of the Ordinance has a dune permit only and is licensed to operate on the dunes. The City Administrator asked if it was transported on some type of trailer for this purpose to which the response was affirmative. Mayor Cline commented it would have been very helpful to have that information at the very beginning of this process as that would have rectified the situation immediately. There were no other questions.

New Business

Councilor Mercier asked about the document included in the packets from the Oregon Department of Transportation amending the alterations for the H Street Crossing in reference to closing the south spur. The City Administrator responded she had talked with Casey Stutz from DLF International Seeds and asked if the proposed closure of the spur would impact their business as she thought it would be the only one potentially impacted by this amendment. The City Administrator reported they had no problem with the closure of the south spur. Mayor Cline asked if the closure could potentially impact the grain business that was talked about earlier in the meeting with the City Administrator responding it was only the south spur that was impacted. Councilor Albertson showed Mayor Cline and the Council where the closure would take place on the map and all were in agreement that a future grain unloading facility would not be impacted by this amendment. There were no other questions.

Adjournment

Council President Doerfler made a motion to adjourn the meeting at 9:53 p.m. Councilor Parker 2nd and the motion carried unanimously.

Marjean Cline, Mayor

Judy Cleeton, City Administrator